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7 VLSI TECHNOLOGY LLC,
8 Plaintiff,
9 v.
10 INTEL CORPORATION,
11 Defendant.

Case No. 17-cv-05671-BLF

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28 **ORDER GRANTING
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
SEALED**

[Re: ECF No. 653]

Before the Court is VLSI Technology's ("VLSI") Administrative Motion to Consider Whether Another Party's Material Should Be Sealed regarding its Motion for Relief from Nondispositive Pretrial Order of Magistrate Judge (ECF No. 652). For the reasons described below, the motion is GRANTED.

I. BACKGROUND

On September 13, 2023, VLSI filed a Motion for Relief from Nondispositive Pretrial Order of Magistrate Judge ("Motion for Relief"). ECF No. 652. On the same day, VLSI filed an Administrative Motion to Consider Whether Another Party's Material Should Be Sealed ("Administrative Motion") in connection with the Motion for Relief. ECF No. 653. On September 20, 2023, Intel Corporation ("Intel") filed a declaration and exhibits in support of VLSI's Administrative Motion. ECF Nos. 665, 666.

II. LEGAL STANDARD

"Historically, courts have recognized a 'general right to inspect and copy public records and documents, including judicial records and documents.'" *Kamakana v. City & Cty. Of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). Accordingly, when considering a sealing request, "a 'strong

1 presumption in favor of access’ is the starting point.” *Id.* (quoting *Foltz v. State Farm Mut. Auto.*
2 *Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). Parties seeking to seal judicial records relating to
3 motions that are “more than tangentially related to the underlying cause of action” bear the burden
4 of overcoming the presumption with “compelling reasons” that outweigh the general history of
5 access and the public policies favoring disclosure. *Ctr. for Auto Safety v. Chrysler Grp.*, 809 F.3d
6 1092, 1099 (9th Cir. 2016); *Kamakana*, 447 F.3d at 1178–79.

7 **III. DISCUSSION**

8 The document at issue, VLSI’s Motion for Relief, is related to a motion to strike VLSI’s
9 expert opinions related to available damages for the alleged infringement. These issues are “more
10 than tangentially related to the merits of [the] case” and therefore Intel must provide “compelling
11 reasons” for maintaining the documents under seal. *See Ctr. for Auto Safety*, 809 F.3d at 1101; *see also*
12 *Finjan, Inc. v. Juniper Network, Inc.*, No. C 17-5659 WHA, 2021 WL 1091512, at *1 (N.D.
13 Cal. Feb. 10, 2021).

14 Intel seeks to seal selected excerpts from VLSI’s Motion for Relief. Intel explains that
15 “[d]isclosure of information regarding Intel’s financial decisions and Intel’s marketing research
16 and strategies (e.g., Intel’s confidential analysis regarding what features Intel’s customers value,
17 the potential price premiums associated with those features and how Intel expects certain features
18 to affect the sales of certain products) would provide competitors and potential counterparties with
19 unfair insight into Intel’s business strategies and cost/benefit analyses.” ECF No. 665 ¶ 6. Intel
20 further argues, “[b]ecause of the highly confidential nature of the information Intel seeks to seal
21 and the potential harm that Intel could suffer in competition with other manufacturers, there is no
22 less restrictive alternative to sealing the requested information.” *Id.* ¶ 9.

23 The Court finds that compelling reasons exist to seal the highlighted portions of the
24 document. *Exeltis USA Inc. v. First Databank, Inc.*, No. 17-CV-04810-HSG, 2020 WL 2838812,
25 at *1 (N.D. Cal. June 1, 2020) (noting that courts have found “confidential business information”
26 in the form of “business strategies” sealable under the compelling reasons standard.). The Court
27 also finds that the request is narrowly tailored. The Court’s ruling is summarized below:

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1 ECF or Exhibit No.	2 Document	3 Portion(s) to Seal	4 Ruling
5 ECF No. 652	6 VLSI's Motion for Relief	7 Green highlighted portions	8 Granted, as green highlighted portions reveal Intel's confidential analysis regarding what features Intel's customers value, the potential price premiums associated with those features, and how Intel expects certain features to affect the sales of certain products. Selwyn Decl. ¶ 8

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IV. ORDER

10 For the foregoing reasons, IT IS HEREBY ORDERED that:

11 Dated: September 26, 2023

12 
13 BETH LABSON FREEMAN
14 United States District Judge